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May 16, 2022

BY ECF

Honorable Katherine P. Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: Hafeez Saheed v. City of New York, et al.,
17 Civ. 1813 (KPF)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney assigned to represent defendants Kevin Kenny, William Nakelski, and Ou Wu (collectively “defendants”) in the above-referenced matter. I write on behalf of Defendants to respectfully request that the Court adjourn the trial in this matter, which is currently scheduled for July 11, 2022, to a date convenient to the Court in the month of September after Labor Day, *i.e.* after September 5, 2022. This is Defendants’ first such motion, and Plaintiff does not oppose this request.

There are two reasons for the requested adjournment. First, the undersigned will be leaving this Office in the coming few weeks at which time this matter will be reassigned to another Assistant Corporation Counsel (“ACC”). The new ACC will need time to get up to speed on the discovery, claims, and defenses in this matter. Second, the undersigned was just informed that one of the defendants is unavailable and out of town from July 11, 2022 to July 18, 2022 for a previously scheduled vacation. In order to properly present this case, all of the defendants are needed to testify, and thus Defendants are not in a position to proceed with trial on July 11, 2022.

As a result of the foregoing, Defendants apologize for any inconvenience to the Court and Plaintiff's counsel, and respectfully request that trial in this matter be rescheduled to a date convenient to the Court in September after September 5, 2022.

Respectfully submitted,



Peter W. Brocker, Esq.
Senior Counsel

cc: All Counsel of Record (via ECF)

Application DENIED.

As the parties are aware, the ongoing COVID-19 pandemic severely limits the Court's ability to schedule jury trials. If the Court were to grant Defendants' above request, it would likely adjourn the trial to sometime in 2023.

In light of these scheduling limitations, it is the Court's strong preference to move forward with the July 11, 2022, start date. The Court recognizes that Defendants' new counsel of record will require some time to familiarize her- or himself with the facts of this case, but it does not believe that more than two months are necessary to accomplish that task. Nor does the Court find that it is appropriate to adjourn the trial because one of the named Defendants is scheduled to be on vacation during the week of July 11, 2022. As defense counsel is aware, this case has been scheduled to begin trial on that date since September 10, 2021 (Dkt. #102).

The Court is cognizant that scheduling conflicts or other issues may arise in a case that has been awaiting trial for as long as this one. If the parties both believe that trial cannot move forward on July 11, 2022, they may inform the Court of that belief and the reasons for it. On the record now before it, however, the Court finds that Defendants have not set forth an adequate basis to adjourn the trial.

The Clerk of Court is directed to terminate the motion at docket entry 104.

SO ORDERED.

Dated: May 16, 2022
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE